

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

NV-9-001

In re: 3133/3131 Connecticut Ave., N.W., Multi-Unit Building
Application for 501(f) Notices to Vacate and for Approval of Renovation Plan

Ward Three (3)

KLINGLE CORP.
Housing Provider/Appellant/Cross-Appellee

v.

TENANTS OF 3133/3131 CONNECTICUT AVE., N.W.
Tenants/Appellees/Cross-Appellants

ORDER ON MOTION TO PARTICIPATE IN HEARING BY TELEPHONE

June 28, 2013

YOUNG, COMMISSIONER. This matter comes before the Commission on an appeal filed by tenants of 3133/3131 Connecticut Ave., N.W. in regard to Orders issued by the Rent Administrator on December 11, 2009 and March 3, 2010. On June 17, tenant Don Wassem (Tenant), c/o Kenneth Mazzer, filed a Request to Participate by Telephone (Mot. to Participate by Telephone). Mot. to Participate by Telephone (unnumbered) at 1. The Tenant informed the Commission that he is three time zones away from the District caring for an elderly family member and, as a result, will be away on July 2, 2013, the date of the scheduled hearing. *Id.* In the Motion, the Tenant acknowledged the difficulty in establishing a telephone connection for the hearing and requested, in the alternative, that the Commission,

(1) allow Tenant to rely on the written arguments and exhibits submitted in this matter by the Tenant (and on the written arguments and exhibits submitted by other tenants that the Tenant's pleadings incorporate by reference), including pleadings submitted jointly by the Tenant with other tenants; and (2) allow the Tenant to be deemed present at the

hearing (and thus preserve his rights to continue participating in this matter) through the appearance at the hearing of one or more members of an unincorporated nonprofit association.

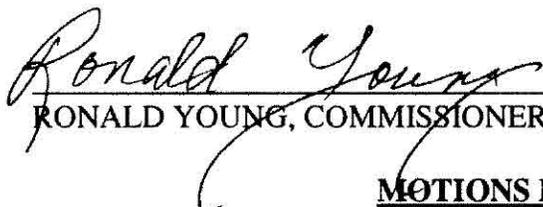
Id.

The Commission recognizes the Tenant's desire to be present at the July 2, 2013; however, due to the technological limitations of the Commission's hearing room, the Commission cannot accommodate participation via telephone. The Commission will however, give equal weight to written documents— including briefs and exhibits—submitted by both parties so long as they are filed with the Commission pursuant to applicable regulation 14 DCMR § 3802 (2004). Additionally, pursuant to 14 DCMR § 3812.1(d) (2004), the Tenant may be represented by “A member selected by the members of an association or an employee of the association, a group of tenants or non-profit corporation may represent the association, group or non-profit corporation.” Thus, the Tenant's requests to be represented, either by timely-filed, written submissions and/or by other tenants involved in this matter, are permissible under the above regulations. An additional option available to the Tenant is to request, pursuant to DCMR 14 § 3820 (2004), a tape recording of the oral arguments so long as the request is made within the relevant time period.¹

¹ The applicable regulations, 14 DCMR § 3820.1-3820.2 state: “The entire proceedings of hearings on motions and appeals shall be recorded on tape, which shall remain in the custody of the Commission at all times. At the request of a party to an appeal, the Commission shall make a duplicate tape which the party may hear without charge, or which the party may purchase at cost.”

For the foregoing reasons, the Commission denies the Tenant's request to participate in the hearing for NV-9-001 via telephone, but grants the Tenant's request to be represented by appropriately filed documents as well as by other tenants involved in this matter.

SO ORDERED.


RONALD YOUNG, COMMISSIONER

MOTIONS FOR RECONSIDERATION

Pursuant to 14 DCMR § 3823 (2004), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR § 3823.1 (2004), provides, "[a]ny party adversely affected by a decision of the Commission issued to dispose of the appeal may file a motion for reconsideration or modification with the Commission within ten (10) days of receipt of the decision."

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **ORDER ON MOTION TO PARTICIPATE IN HEARING BY TELEPHONE** in NV 9,001 was sent by first-class mail with delivery confirmation, postage prepaid, this **28th day of June, 2013** to:

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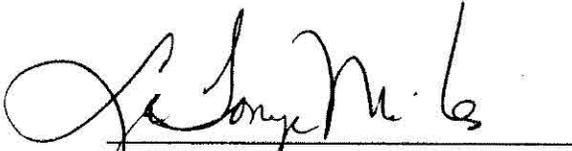
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